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SUBJECT: SRI LANKA: THE SIXTH ANNUAL ANTI-TRAFFICKING IN
PERSONS (TIP) REPORT

REF: STATE 3836

(U) This message is sensitive but unclassified -- please
handle accordingly.

¶1. (U) Mission's submission for the sixth annual Anti-
Trafficking in Persons (TIP) Report for Sri Lanka follows.
Responses are keyed to questions in Reftel. Mission point
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Paragraph 21: Sri Lanka Overview

¶2. (SBU) A -- Sri Lanka is a country of transit, a source
country, and a destination country for a small number of
internationally trafficked men, women and children. Women
and children of Sri Lanka are trafficked internally for
domestic and sexual exploitation. The trafficking takes
place in government controlled areas as well as in areas
controlled by the Liberation Tigers of Tamil Eelam (LTTE), a
designated Foreign Terrorist Organization under U.S. law.
The LTTE conscripted children, both through recruitment and
abductions, for purposes of forced labor and military
activities. Reports indicate that women from Thailand,
China, Russia and countries of the Newly Independent States
are trafficked into Sri Lanka for commercial sexual
exploitation. A fair number of Sri Lankan women are
trafficked to the Middle East countries and a smaller number
to Singapore, Hong Kong and South Korea for hard domestic
labor and sexual exploitation. Children are trafficked
internally. There are no reliable statistics available on
the magnitude of this issue. The sources of information on
trafficking in persons can be obtained from the National
Child Protection Authority (NCPA), the Child Protection Unit
of the Attorney General's Department, Sri Lankan Police,
local and international NGOs, and the press. The NCPA
provides fairly reliable statistics on cases involving

children.

B -- There is political will throughout the government, including at the highest levels, to combat trafficking in persons. The government provided human resources to the Anti-Human Smuggling Investigation Bureau that was established in 2003. The Ministry of Foreign Affairs continued to assign Welfare Officers to Sri Lanka Missions abroad to aid and assist women who are victims of trafficking. However, during the year, trafficking has not decreased. Nevertheless, officials remained vigilant toward the potential of increased child trafficking in the wake of the December 2004 tsunami. NGOs such as the International Labor Organization (ILO) held awareness raising campaigns targeted at tsunami refugees and other vulnerable populations. These campaigns were largely effective, and there was no significant increase in reports of trafficking following the tsunami.

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B cont'd -- Victims subjected to trafficking came from poor, rural communities, with minimal educational opportunities. Some women who came to cities seeking garment industry work were trafficked into commercial sex work, and some women seeking employment as domestics overseas were taken under false premises and forced into slave labor conditions or commercial sex work. Although the Bureau of Foreign Employment has a mandate to vet recruitment agents, sub-agents are not vetted. Reports indicated some sub-agents acted unscrupulously, recruiting women from villages under false pretenses. The women, often illiterate, were unaware of the parameters of the contracts they signed, and many times their travel documents were confiscated when they arrived at their place of employ. However, of the estimated

1 million Sri Lankan women who obtain foreign employment, statistics indicate only 5 to 10 percent encounter problems, including issues unrelated to trafficking per se.

C -- The government lacked resources to provide proper training to law enforcement officials or adequate compensation for trafficking victims. Law enforcement officials addressed the end results of trafficking such as commercial sex work or child labor. However, trafficking itself was rarely investigated, perhaps due to police unawareness of the degree of the problem, exacerbated by limited resources.

D -- The Child Protection Unit of AG's Dept and the NCPA, supported by the Woman and Child Care unit of the Sri Lanka Police, conduct surveys on trafficking issues but currently no reliable surveys on trafficking in Sri Lanka are available. Also, the government does not separate statistics on human smuggling, abductions, and trafficking, making it difficult for NGOs to gain access to accurate data.

Paragraph 22: Prevention

13. (SBU) A -- The government in Sri Lanka acknowledges that trafficking is a problem in the country. However, NGO representatives noted that the government does not usually use existing anti-trafficking legislation to prosecute cases. Rather, perpetrators are brought up on charges of abduction or procurement. While the government maintains its commitment to address trafficking in persons issues, the GSL devotes much more of its resources to two related issues: human smuggling and domestic violence, which it considers more severe.

B -- The government agencies involved in anti-trafficking efforts are: the Department of Immigration and Emigration, the Ministry of Foreign Affairs, the Ministry of Employment

and Labor, Sri Lankan Police, Sri Lankan Customs, National Child Protection Authority.

C -- The Child Protection Unit of the Attorney General's Department is engaged in conducting awareness programs among law enforcement authorities, schools and other civil society organizations. They have extended their services to UNICEF and have provided their resources to train senior police officers to handle investigations with greater effectiveness. The NCPA, as part of its overall efforts to address child welfare, includes child trafficking as part of its educational campaigns. The International Organization for Migration (IOM) conducts information campaigns and workshops, and employs a threefold strategy to combat trafficking in persons: prevention, protection and assistance to victims and capacity building. Following the December 2004 tsunami, the ILO sponsored training sessions on preventing trafficking and funded dance-drama troupes to perform anti-trafficking musicals at tsunami relief camps.

D -- The government of Sri Lanka does not actively support corollary programs to combat trafficking.

E -- The government, with the limited resources available, does support prevention programs, usually in partnership with NGOs.

F -- The officials of international NGOs, indigenous community-based organizations working to combat trafficking, and officials of government agencies involved in anti-trafficking efforts maintain a positive working relationship.

G -- The Sri Lankan government makes every effort to adequately monitor its borders, but the government is unable to monitor activities in areas controlled by the LTTE in the north and east. Emigration and Immigration officials use a computerized monitoring system at the airport to monitor travel patterns and prevent traffickers from leaving the country, if they are the suspects in a current investigation. The law enforcement agencies responsible for anti-trafficking issues respond appropriately.

H -- The government has an anti-trafficking working group to coordinate and communicate among responsible government agencies, but there is no task force formed to monitor trafficking issues. However, NGO representatives asserted that the anti-trafficking group works primarily on human smuggling and illegal immigration rather than trafficking. The government has a Commission to Investigate Allegations of Bribery or Corruption.

I -- The Sri Lankan government is not part of any multinational or international working group but is working within the South Asia Association for Regional Cooperation (SAARC) to develop a regional anti-trafficking convention.

J -- The government of Sri Lanka does not have a national plan of action to address trafficking in persons.

Paragraph 23: Investigations and Prosecution

14. (SBU) A -- Section 360C of the Penal Code, amended by Act No. 22 of 1995, criminalizes trafficking in persons, defined as the buying or selling or bartering of a person for money or other consideration; and also doing certain acts for the purpose of promoting, facilitating or inducing the buying or selling or bartering or the placement in adoption of any person for money or any other consideration. Under Section 360A of the Penal Code, internal and transnational forms of prostitution are also criminalized. Additionally, Section 45A(1) of the Immigrants and Emigrants Act addresses human smuggling offenses. The IOM provided the Attorney General's office with legal consultation, and in January, the office introduced legislation to further

bolster Sri Lanka's penal code in accordance with UN guidelines on trafficking.

B -- Trafficking for sexual exploitation is punishable by imprisonment between 2 and 20 years, with fines ranging from approximately USD 100 to 500. The amendment to the penal code covering trafficking, written in collaboration with IOM and introduced in January, calls for labor exploitation to be punishable by 2 to 10 years' imprisonment.

C -- For sexual assault, imprisonment ranges between 7 and 20 years, plus potential monetary compensation to the victim. These penalties are similar to those for trafficking.

D -- In Sri Lanka, prostitution is not legalized and the activities of prostitutes are criminalized. The activities of related parties, such as brothel owners, pimps, clients and enforcers are also criminalized.

E -- The government has investigated and arrested people for cases involving trafficking during the past year. (Note: The government has prosecuted and convicted significant numbers

of people involved in migrant smuggling, pedophilia and prostitution, who may have been involved in trafficking in persons, during the past year.)

F -- Information reveals that individuals and small groups are behind trafficking efforts, but no reliable information on the issue exists. In cases of illegal migration, evidence suggests that some travel agencies may be involved with traffickers. There are no reports of profits of trafficking being channeled for other purposes other than personal gain.

G -- Notwithstanding its limited resources, the government actively investigates cases of trafficking and, by implementing a computerized immigration system that enables agencies to input names of suspected traffickers, the government takes initiative to track down suspected trafficking agents. The CyberWatch Project that monitors internet sites and chat rooms, instituted by the NCPA, has helped to arrest individuals on suspicion of trafficking.

H -- The government does not provide any centralized training in trafficking issues. Individually, police bureaus, such as the Anti-Human Smuggling Unit of the Criminal Investigation Department and the Women's and the Children's Bureau, along with the NCPA, conduct specialized training for their staff.

I -- The government of Sri Lanka cooperates with other governments in the investigation and/or prosecution of trafficking cases. On many occasions, the government has worked very closely with the Italian and Pakistani governments to combat human smuggling operations. In cooperation with the American and the Australian governments, the NCPA has prosecuted a U.S. national and an Australian national alleged to be pedophiles.

J -- The government has not extradited anyone charged with trafficking to other countries, as the situation has not occurred. The government would likely extradite any foreigner charged with such offenses, if requested by other governments. The government has extradition agreements with Commonwealth countries.

K -- There is no credible evidence of government involvement in, or tolerance of, trafficking in persons. Unsubstantiated reports allude to immigration officers in involvement of such cases.

L -- There has been insufficient evidence to arrest or otherwise prosecute government officials suspected of being involved in trafficking in persons.

M - In 2004, the government arrested two foreign nationals, an American and an Australian, on charges of pedophilia. In

2005, a British citizen was charged with pedophilia. All three are in prison in Sri Lanka awaiting trial.

N -- The GSL ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in December 2004

- The GSL ratified ILO Convention 105 in January 2003.
- The GSL ratified ILO Convention 182 in February 2000.
- The GSL ratified ILO Convention 29 in 1950.

-- The GSL has signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

-- The GSL has signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the UN Convention against Transnational Organized Crime.

Paragraph 24: Protection and Assistance to Victims

15. (SBU) A -- The government does not have enough resources, capacity and ability to assist victims of trafficking. There are rehabilitation camps and community centers which offer some medical and counseling services for victims of internal trafficking. In addition, some NGOs run shelters and rehabilitation facilities.

B -- The government does not provide funding or material support to foreign or domestic NGOs for services to victims. To child victims registered with the NGOs, the government provides a three USD/per month food supplement.

C -- Children who are victims are transferred to institutions such as the Salvation Army under the escort of the Ministry of Social Services' Department of Probation and Child Care Services.

D - Women arrested on suspicion of being trafficked into Sri Lanka for the purpose of prostitution are sometimes released upon paying a fine. There are no reports of harassment of victims. During this reporting period, the IOM helped repatriate an Uzbek woman who had been trafficked into commercial sex work in Sri Lanka. The Sri Lankan government was cooperative in assisting the IOM on that case.

E -- The government encourages victims to assist in the investigation and prosecution of trafficking by providing information to arrest the traffickers. Sri Lankan victims can file Fundamental Rights cases and seek financial restitution. There are no restrictions on obtaining other employment or leaving the country if a victim is a witness in a case against a former employer.

F -- In connection with some Sri Lankan diplomatic missions, especially in Middle Eastern countries, the Sri Lankan government operates shelters for Sri Lankans who are victims of sexual or labor exploitation. The Bureau of Foreign Employment appoints labor attaches to Sri Lankan diplomatic missions abroad to address the concerns of migrant Sri Lankan workers, but limited resources sometimes lead to heavy caseloads and minimal assistance being provided.

G -- The government does not provide any specialized training as such for its officials in trafficking issues. Individually, police bureaus, such as the Anti-Human Smuggling Unit of the Criminal Investigation Department and the Women's and the Children's Bureau, along with the NCPA, conduct specialized training for their staff.

H -- For Sri Lankans who are victims of trafficking, either through sexual or labor exploitation, the GSL will provide some compensation to the victims who registered with the Sri Lankan Foreign Employment Bureau prior to departing.

I -- Save the Children Foundation, ESCAPE, Don Bosco, Salvation Army, ILO, IOM, American Solidarity Center, Women in Media Collective, Caritas, and a number of community-based organizations work with trafficking victims. The

government works closely with these organizations to develop a relationship with local authorities, but it is the NGO that makes the initial effort.

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